

IN THE CLAIMS:

Please amend claims 192, 211, 213 and 225, and add new claim 226 as set forth in the complete listing of the claims and their status that follows:

## Claims 1-191 (Canceled)

192. (Currently Amended) A method of providing spinal interbody fusion, comprising the steps of:

accessing the intradiscal space between two generally opposed upper and lower vertebral bodies;

providing an expandable structure comprising a top element, a bottom element and a plurality of intermediate elements, each being of substantially similar configuration, said top element being configured to contact the upper vertebral body, said bottom element being configured to contact the lower vertebral body, and said intermediate elements configured to reside between said top element and said bottom element;

first introducing said top element and said bottom element into said intradiscal space; and,

then individually introducing each of said intermediate elements consecutively between said top element and said bottom element such that an intermediate element contacts said top element and another intermediate element contacts said bottom element to relatively move said top element and said bottom element apart generally only along the axis of the spine as said intermediate elements are introduced to thereby distract and support said upper and lower vertebral bodies.

193. (Previously presented) The method of claim 192, wherein each of said intermediate elements is introduced by sliding between said top element and said bottom element.

194. (Previously presented) The method of claim 192, wherein a first intermediate element is configured for interlocking coupling with at least said top element.

195. (Previously presented) The method of claim 194, wherein a second intermediate element is configured for interlocking with said bottom element and with said first intermediate element.

196. (Previously presented) The method of claim 192, wherein the top element has an area greater than an intermediate element.

197. (Previously presented) The method of claim 196, wherein the bottom element has an area greater than any of said plurality of intermediate elements.

Claims 198-208 (Canceled)

209. (Previously presented) The method of claim 192, wherein one of said top element, said bottom element and said plurality of intermediate elements is formed of implant materials.

210. (Previously presented) The method of claim 209, wherein all of said top element, said bottom element and said plurality of intermediate elements are formed of implant materials

211. (Currently Amended) The A method of providing spinal interbody fusion  
claim 192, further comprising the step of steps of:

accessing the intradiscal space between two generally opposed upper and lower  
vertebral bodies;

providing an expandable structure comprising a top element, a bottom element and a  
plurality of intermediate elements, each being of substantially similar configuration, said top  
element being configured to contact the upper vertebral body, said bottom element being  
configured to contact the lower vertebral body, and said intermediate elements configured to  
reside between said top element and said bottom element;

first introducing said top element and said bottom element into said intradiscal space;  
then individually introducing each of said intermediate elements consecutively  
between said top element and said bottom element such that an intermediate element contacts

said top element and another intermediate element contacts said bottom element to relatively move said top element and said bottom element apart generally along the axis of the spine as said intermediate elements are introduced to thereby distract and support said upper and lower vertebral bodies, and

introducing bone filler material between the two opposed upper and lower vertebral bodies and adjacent to and in contact with said expandable structure.

212. (Previously presented) A method of providing interbody fusion between two vertebral bodies of the spine, comprising the steps of:

accessing the intradiscal space between two generally opposed vertebral bodies; consecutively introducing individually a plurality of substantially similarly configured elements in contact with each other generally in the direction of the axis of the spine between the opposed vertebral bodies to distract and support such vertebral bodies along the axis of the spine until stability of the vertebral bodies is substantially achieved, said elements being introduced by moving at least one previously inserted element to a different position by the introduction of a subsequent element; and

providing a fusion promoting composition between the vertebral bodies in contact with the elements.

213. (Previously presented) The method of claim 212 wherein said at least one element is moved by contacting a surface thereof with a surface of said subsequent element.

214. (Previously presented) The method of claim 213 wherein the accessing step includes the step of placing an elongated access channel in communication with the space between said vertebral bodies and introducing the elements through said channel.

215. (Previously presented) The method of claim 212, wherein in the step of providing a fusion promoting composition between the vertebral bodies in contact with the elements, the composition is a bone filler.

216. (Previously presented) The method of claim 213 wherein said elements are wafers, said wafers being introduced between said vertebral bodies by inserting a subsequent

wafer below a previously inserted wafer so as to lift said previously inserted wafer upon insertion of said subsequent wafer.

217. (Previously presented) The method of claim 212, wherein said space between said vertebral bodies is accessed by an approach selected from the group of procedures consisting of anterior, posterior, posterior lateral and extrapedicular.

218. (Previously presented) The method of claim 216, wherein each wafer is generally flat and comprises a leading surface and an opposing trailing surface, and wherein said wafers are inserted by engaging the leading surface of a subsequent wafer against the trailing surface of a previously inserted wafer and applying a force to said subsequent wafer to lift said previously inserted wafer and place said subsequent wafer at least partially beneath said previously inserted wafer.

219. (Previously presented) The method of claim 218, wherein one of said leading surface and said trailing surface is beveled.

220. (Previously presented) The method of claim 219, wherein both said leading surface and said trailing surface are beveled.

221. (Previously presented) The method of claim 216, wherein the wafers are provided with complementary configurations to interlock said wafers upon insertion.

222. (Previously presented) The method of claim 212, wherein said elements are substantially rigid.

223. (Previously presented) The method of claim 212, wherein each of said elements includes a leading surface defining a lifting surface, and wherein said elements are introduced by placing a lifting surface of a following element against a surface of a preceding element and applying a force to said following element to lift the preceding element.

224. (Previously presented) The method of claim 212, further including the step of monitoring the tension in the annulus of the disc between said vertebral bodies as an indication of said stability.

225. (Currently amended) ~~The A method of providing spinal interbody fusion claim 192, comprising the steps of:~~

accessing the intradiscal space between two generally opposed upper and lower vertebral bodies;

~~wherein the step of consecutively individually introducing each of said intermediate a plurality of substantially similarly configured elements includes introducing said intermediate elements to relatively move said top element and said bottom element apart in contact with each other substantially only along the axis of the spine between the opposed vertebral bodies to distract and support the opposed vertebral bodies by moving at least one previously inserted element to a different position substantially only along the axis of the spine by the introduction of a subsequent one of said elements.~~

226. (New) The method of claim 225 wherein said at least one previously inserted element is moved by contacting a surface thereof with a surface of said subsequent one of said elements.